

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

DWIGHT HARRIS and)
MARCUS ROBINSON,)
)
Plaintiffs,)
)
v.) Case No. 3:08-00699
) Judge Knowles
JEAN McCORMACK, individually and as)
an Officer of the Metropolitan Nashville)
Police Department, et al.,)
)
Defendants.)

ORDER

For the reasons set forth in the Memorandum Opinion filed contemporaneously herewith, the Motion for Summary Judgment of Defendant Metropolitan Government (Docket No. 91) is GRANTED, the Court finding that there is no genuine issue as to any material fact and that Defendant Metropolitan Government is entitled to a judgment as a matter of law.

Defendant Jean McCormack's Motion for Summary Judgment (Docket No. 97) is granted in part as follows, the Court finding that there is no genuine issue as to any material fact and that Defendant Jean McCormack is entitled to a judgment as a matter of law.

With regard to both Plaintiffs, the Motion is GRANTED as to their official capacity claims against Defendant McCormack.

With regard to Plaintiff Harris, the Motion is GRANTED as to his claims of negligence, gross negligence, and negligent infliction of emotional distress.

With regard to Plaintiff Robinson, the Motion is GRANTED with regard to his claims

under 42 U.S.C. § 1983, his claims for negligence, gross negligence, negligent infliction of emotional distress, outrageous conduct, and intentional infliction of emotional distress.

Defendant McCormack's Motion for Summary Judgment is DENIED with regard to the claims of Plaintiff Harris under § 1983, his state law claims of assault and battery, and his state law claims of outrageous conduct and intentional infliction of emotional distress.

The Motion is DENIED with regard to Plaintiff Robinson's state law claims of assault and battery.

All other claims not addressed above are DISMISSED.

IT IS SO ORDERED.



E. Clifton Knowles
United States Magistrate Judge